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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,320	09/08/2003	Nicholas James Nissing	8652C	1187

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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,320

Applicant(s)

NISSING, NICHOLAS JAMES

Examiner

Patricia L. Nordmeyer

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/8/2003.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “a substrate color density, a background color density” in claim 1 is unclear, which renders the claim vague and indefinite. It is unclear from the claims, specification and figures what the difference is between color and background density since they both appear to be referring to the same thing, i.e. areas on the substrate that is not covered by print elements, in the Figures 1A and 1B. How is the color density of these areas different if they are the same material?

Correction/clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1772

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 3, 5, 6, 8, 10, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mowry, Jr. et al. (USPN 5,853,197).

Mowry , Jr. et al. disclose a printed substrate used as a security document having first and second outer surfaces, wherein the first surface includes indicia (Column 3, lines 49 – 52 and Figure 1). The printed indicia are composed of print elements such as dots and lines (Column 5, lines 46 – 49). As seen in Figures 1 and 2, , the substrate includes a substrate color density (#40), a background color density (#52 or #22) and a print element color density (#58 or #26), where the background color density is greater than the substrate and less than the printed element color density (Column 6, lines 9 – 29). Due to the variation of the coverage of the printed matter of the background (Column 6, lines 9 – 29) the background has a ΔE of at least 10. The printed substrate is used for a variety of documents including checks, stock certificates and birth certificates (Column 1, lines 12 – 17) that are made from cellulosic material, which absorb liquids, thereby making the documents absorbent disposable paper products. Ink is provide in a variety of ways to the surface of the substrate (Figures 1 and 2) and in a variety of densities (Column 6, lines 23 – 25) which would allow for two solid print regions having a ratio of at least 1.15 (Figure 2, #60), a dot area ratio of at least 1.10 and a rub off ratio greater than 1.1. The documents are made using a process print as shown by the steps in Column 8, lines 1 – 38.

5. Claims 1 – 3, 8 and 10 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Brugada (USPN 5,904,375).

Brugada discloses a printed substrate used as a security document having first and second outer surfaces, wherein the first surface includes imprinted backgrounds of micropattern of text or drawings with inks that include pigments (Column 2, lines 27 – 32). The micropattern is composed of print elements such as dots and lines (Column 2, lines 35 – 40). As seen in Figure 1, the substrate includes a substrate color density (#1) a background color density (#10) and a print element color density (#2), where the background color density is greater than the substrate and less than the printed element color density (Figure 1). Due to the distance between the dots of the background density (Column 2, lines 45 – 59), the background has a ΔE of at least 10. The printed substrate is a paper material (Column 1, line 9 and Column 4, lines 21 – 22), which is made from cellulosic material that absorbs liquid, thereby making the documents absorbent disposable paper products. As shown by Figure 1, the ink is comprised of two print regions that may have the same color and color density. Depending on the type of the ink used, hydrophilous versus non-absorbent (Column 4, lines 29 – 38), the ink may have a rub off ratio greater than 1.1. As shown by the method of making the document in Column 6, lines 8 – 44, the indicia comprise a process print.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1772

7. Claims 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr. et al. in view of Harris (USPN 5,871,615).

Mowry, Jr. et al. discloses the claimed printed substrate used as a security document made with cellulosic material with different color densities for the substrate, background and print element color density except for the substrate being textured.

Harris teaches a security paper (Column 1, line 5) made from cellulosic material (Column 4, lines 34 – 35) that has been formed with a tactile (textured) surface profile during the manufacturing process (Column 2, lines 21 – 24) with a variety of inks that may be applied to the surface (Column 4, lines 3 – 4) for the purpose of forming a pattern on the paper that has excellent durability and a high degree of security due to the patterns intricacy that facilitates verification or authentication of documents printed on the paper (Column 2, lines 13 – 24).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the textured paper with intricate surface patterns in Mowry, Jr. et al. in order to form forming a pattern on the paper that has excellent durability and a high degree of security due to the patterns intricacy that facilitates verification or authentication of documents printed on the paper as taught by Harris.

Art Unit: 1772

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln
pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

3/2/04